

PURPOSE

To provide direction in drafting, updating, distributing, and documenting a HIPAA compliant "Notice of Privacy Practices" to be provided to all individuals receiving benefits from one or more of the Michigan Department of Health and Human Services' (MDHHS) health programs.

PROCEDURE**Drafting**

All required elements listed in the Health Insurance Portability and Accountability Act Privacy Rule will be contained in the MDHHS and MDHHS Facility's Notice of Privacy Practices (NPP).

The NPP must be in plain language and be translated into other languages as required by regulation.

The Bureau of Legal Affairs will review all drafts prior to publishing.

MDHHS personnel may not use or disclose protected health information in a manner inconsistent with the NPP.

Updating

Whenever there is a material change to the; uses or disclosures; the individual's rights; the covered entity's legal duties; or other privacy practices stated in the Notice; the MDHHS must promptly revise and make available (when MDHHS is a health plan) or distribute (when MDHHS is a provider), a new NPP to all clients within sixty days of the effective date of the revision, or upon next available delivery of service (when MDHHS is a provider).

At least once every three years, the MDHHS must notify clients of the availability of the NPP and how to obtain a copy.

Distributing**MDHHS as a Health Plan**

The initial NPP must be mailed to all MDHHS program clients receiving benefits as of April 14, 2003 by April 14, 2003.

MDHHS must make the NPP available to any member of the public upon request.

NPPs are provided to all new clients at the time of completing an application with MDHHS, or other program related agency.

MDHHS as a Health Care Provider (state hospitals - centers)

Beginning April 14, 2003, facilities will provide the NPP to each client not later than the date of the first service delivery after April 14, 2003, except in emergency situations.

In emergency situations, the NPP will be delivered as soon as reasonably practicable.

Each client will be asked to sign an acknowledgement of the receipt of the NPP, except in emergency situations.

The signed acknowledgement will be retained in the client's medical file.

If the client refuses to sign the acknowledgement form, the provider will complete the form documenting that the client refused to sign the form on that date.

The NPP will be posted in the facility and copies will be available upon request.

Revised NPPs will be posted in the facility and copies will be made available upon request.

The privacy office will retain the NPPs for six years.

**Documenting and
Retention****MDHHS as a Health Plan**

Mail and delivery dates of the NPP to individuals will be documented.

MDHHS as a Health Care Provider

Acknowledgement of receipt of the NPP will be documented and retained in the individual's file.

REFERENCES

45 CFR §164.520, §164.530

CONTACT

For additional information concerning this procedure, contact the MDHHS Bureau of Legal Affairs.